

Docket No.: 250564US2/mca

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hiroyuki KIMBARA, et al.

SERIAL NUMBER: 10/801,822

GROUP: 2167

FILED: March 17, 2004

EXAMINER: LEWIS, CHERYL RENE A

FOR: INFORMATION PROCESSING APPARATUS STARTED FROM A PROGRAM
RECORDED ON A RECORDING MEDIUM WITH WELL-MAINTAINED
SECURITY, AND A RECORDING MEDIUM STORING SUCH A PROGRAM
AND A PRODUCING METHOD OF SUCH A RECORDING MEDIUM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of February 25, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance, paragraph 3 states in part:

The prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicant's invention nor anticipate the combination of claimed elements including "a detector that detects a recording medium to be positioned to be set in an accessible state; a recording-medium starting section that activates the recording medium detected by said detector to activate the accessible state; and a computer software program starting section that performs an authentication check on said recording medium activated by the recording-medium starting section, reads a computer software program from said recording medium only when a result of the authentication check is normal, and starts an execution of said computer software program" as recited in independent claim 1 and similarly recited in independent claims 10, 19, 39, and 40.

Although the above comment appears to address Claim 1, it is respectfully noted that independent Claims 10, 39 and 40 do not include this language. For example, Claim 10, does not include a reference to “detector” or “starting section” but rather the claim recites “detection means” or “starting means”. Claim 39, being a method claim and not an apparatus claim, does not include a reference to “detector” or “starting section” but rather to the steps “detecting”, “activating”, “performing” etc. Similarly, Claim 40, being a medium claim and not an apparatus claim, does not include a reference to “detector” or “starting section”. Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 10, 39 and 40 to the extent the language used in the statement differs from the language of the claims.

In the Examiner’s Statement of Reasons for Allowance on page 3 of the Notice of Allowance, paragraph 3 states in part:

As per claim 42, the prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicants’ invention nor anticipate the combination of claimed elements including “producing license information using at least identification information of said recording medium; and recording the license information produced by the producing step and the computer software starting program on said recording medium” and similarly recited in independent claims 54, 60, 61, 68, 69, and 72.

Although the above comment appears to address Claim 42, it is respectfully noted that independent Claims 54 and 72 do not include this language. For example, Claim 54, does not include a reference to “producing licensing information...” and “recording the license information...” Claim 72, being a medium claim, also does not include a reference to “producing licensing information...” and “recording the license information...” Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 54 and 72 to the extent the language used in the statement differs from the language of the claims.

In the Examiner's Statement of Reasons for Allowance on page 3 of the Notice of Allowance, paragraph 3 states in part:

As per claim 62, the prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicants' invention nor anticipate the combination of claimed elements including "a sending section that sends the license information produced by the license information creation section and the computer software program for starting the information processing apparatus to a recording section that records the license information produced by the license information creation section and the computer software program for starting the information processing apparatus on the starting recording medium" and similarly recited in independent claims 63, 66, 67, and 71.

Although the above comment appears to address Claim 62, it is respectfully noted that independent Claims 63, 66, 67 and 71 do not include this language. For example, Claims 63, 67 and 71, do not include a reference to "sending section" or "recording section" but rather the claim recites "sending means" or "recording means". Claims 66, 67 and 71, do not include a reference to "sending section that sends the license information..." or "recording section that records the license information..." Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 63, 66, 67 and 71 to the extent the language used in the statement differs from the language of the claims.

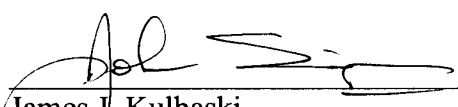
In the Examiner's Statement of Reasons for Allowance on page 3 of the Notice of Allowance, paragraph 3 states in part:

As per claim 64, the prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicants' invention nor anticipate the combination of claimed elements including "an updating program creation section that produces an updating computer software program that updates the computer software program which causes said information processing apparatus to start using at least identification information of said information processing apparatus" and similarly recited in independent claims 65, 70, and 76.

Although the above comment appears to address Claim 64, it is respectfully noted that independent Claims 65, 70 and 76 do not include this language. For example, Claim 65 does not include a reference to “an updating program creation section...” Similarly, Claim 76, being a medium claim and not an apparatus claim, does not include a reference to, “an updating program creation section...” Claim 70 does not include a reference to an updating program creation section that “updates the computer software program”. Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 65, 70 and 76 to the extent the language used in the statement differs from the language of the claims.

Respectfully Submitted,

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